Numb. XIII.] THE [November 3, 1787.

KENTUCKE GAZETTE.

SATURDAY, NOVEMBER 3, 1787.

Proceedings of the Grand Convention Continued.

IN CONVENTION,
Monday September 17, 1787.
PRESENT

The States of New-Hampſhire, Maſſachuſetts Connecticut, Mr Hamilton from New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia:

Resolved,

THAT the preceeding conſtitution be laid before the United States in Congreſs aſſembled, and that it is the opinion of this Convention, that it ſhould afterwards be ſubmitted to a Convention of delegates, choſen in each ſtate by the people, under the recommendation of its legiſlature, for their aſſent and ratification; and that each Convention aſſenting to and ratifying the ſame, ſhall give notice thereof to the United States in Congreſs aſſembled.

Reſolved, That that it is the opinion of this Convention, that as ſoon as the Conventions of nine ſtates ſhall have ratified this conſtitution, the united ſtates in congreſs aſſembled ſhould fix a day on which electors ſhould be appointed by the ſtates which ſhall have ratified the ſame, and a day on which the electors ſhould aſſemble to vote for the Preſident, and the time and place for commencing proceedings under this conſtitution. That after ſuch publication the electors ſhould be appointed, and the ſenators and repreſentatives elected: That the electors ſhould meet on the day fixed for the election of preſident, and ſhould tranſmit their votes certified, ſigned, ſealed, and directed as the conſtitution requires, to the ſecretary of the united ſtates in congreſs aſſembled, that the ſenators and repreſentatives ſhould convene at the time and place aſſigned; that the ſenators ſhould appoint a preſident of the ſenate, for the ſole purpoſe of receiving, opening, and counting the votes for preſident; and, that after he ſhall be choſen, the Congreſs, together with the preſident, ſhould, without delay, proceed to execute this conſtitution

By the unanimous order of the Convention,
GEORGE WASHINGTON, Preſident.
William Jackson, Secretary.

IN CONVENTION,
September 17, 1787.

Sir,

WE have now the honour to ſubmit to the conſideration of the united ſtates in Congreſs aſſembled that conſtitution which has appeared to us the moſt adviſable.

The friends of our country have long ſeen and deſired, that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correſpondent executive and judicial authorities ſhould be fully and effectually veſted in the general government of the union: but the impropriety of delegating ſuch extenſive truſt to one body of men is evident; hence reſults the neceſſity of a different organization.

It is obviouſly impracticable in the fœderal government of theſe ſtates, to ſecure all rights of independent ſovereignty to each, and yet to provide for the intereſt and ſafety of all individuals entering into ſociety, muſt give up a ſhare of liberty to preſerve the reſt. The magnitude of the ſacrifice muſt depend as well on ſituation and circumſtance, as on the object to be obtained. It is at all times difficult to draw with preciſion the line between thoſe rights which muſt be ſurrendered, and thoſe which may be reſerved; and on the preſent occaſion this difficulty was increaſed by a difference among the ſeveral ſtates as to their ſituation, extent, habits, and particular intereſts.

In all our deliberations on this ſubject we kept ſteadily in our view, that which appears the greateſt intereſt of every true American, the conſolidation of our union, in which is involved our proſperity, felicity, ſafety, prehaps our national exiſtence. This important conſideration, ſeriouſly and deeply impreſſed on our minds, led each ſtate in convention to be leſs rigid on points of inferior magnitude, than might have been otherwiſe expected; and thus the conſtitution, which we now preſent, is the reſult of a ſpirit of amity, and of that mutual deference and conceſſion which the peculiarity of our political ſituation rendered indiſpenſible

That it will meet the full and entire approbation of every ſtate is not perhaps to be expected; but each will doubtleſs conſider, that had her intereſts been alone conſulted, the conſequences might have been particularly diſagreeable or injurious to others; that it is liable to as few exceptions as could reaſonably have been expected; we hope and believe; that it may promote the laſting welfare of that country ſo dear to us all, and ſecure her freedom and happineſs, is our moſt ardent wiſh.

with great reſpect,
We have the honour to be, ſir,
Your excellency's moſt
Obedient and humble ſervants,
GEORGE WASHINGTON, Preſident.
By unanimous order of the Convention
His excellency the preſident of Congreſs.

An Ordinance of the Government of the territory of the United States, north weſt of the River Ohio.

BE it ordained by the United States in Congreſs aſſembled, that the ſaid territory, for the purpoſes of temporary government, be one diſtrict, ſubject, however to be divided into two diſtricts, as future circumſtances may, in the opinion of Congreſs, make it expedient.

Be it ordained by the authority aforeſaid, That the eſtates of both reſident and non-reſident proprietors in the ſaid territory, dying inteſtate, ſhall deſcend to and be diſtributed among their children, and the deſcendants of a deceaſed child or grand child to take the ſhare of their deceaſed parent in equal parts among them; and where there ſhall be no children or deſcendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceaſed brother or ſiſter of the inteſtate, ſhall have in equal parts among them their deceaſed parents ſhare; and there ſhall in no caſe be a diſtinction between kindred of the whole&half blood; ſaving in all caſes to the widow of the inteſtate, her third part of the real eſtate for life, and one third part of the perſonal eſtate; and this law relative to deſcents and dower ſhall remain in full force until altered by the legiſlature of the diſtrict. And until the governor and judges ſhall adopt laws as herein after mentioned, eſtates in the ſaid territory may be deviſed or bequeathed by wills in writing, ſigned and ſealed by him or her in whom the eſtate may be (being of full age) and atteſted by three witneſſes; and real eſtates may be conveyed by leaſe and releaſe, of bargain and ſale, ſigned, ſealed and delivered by the perſon, being of full age, in whom the eſtate may be, and atteſted by two witneſſes, provided ſuch wills be duly proved, and ſuch conveyances be acknowledged, or the execution thereof be duly proved, and be recorded within one year after proper magiſtrates, courts, and regiſters ſhall be appointed for that purpoſe; and perſonal property may be transferred by delivery, ſaving, however, to the French and Canadian inhabitants, and other ſettlers of the Kaſkaſkies, Saint Vincent's and the neighbouring vilages, who have heretofore profeſſed themſelves citizens of Virginia, their laws and cuſtoms now in force among them, relative to the deſcent and conveyance of property.

Be it ordained by the authority aforeſaid, That there ſhall be appointed from time to time, by Congreſs, a governor, whoſe commiſſion ſhall continue in force for the term of three years, unleſs ſooner revoked by Congreſs: he ſhall reſide in the diſtrict and have a freehold eſtate therein, in one thouſand acres of land, while in the exerciſe of his office.

There ſhall be appointed from time to time, by Congreſs, a ſecretary, whoſe commiſſion ſhall continue in force for four years, unleſs ſooner revoked, he ſhall reſide in the diſtrict, and have a freehold eſtate therein, in five hundred acres of land, while in the exerciſe of his office; it ſhall be his duty to keep and preſerve the acts and laws paſſed by the legiſlature, and the public records of the diſtrict, and the proceedings of the governor in his executive department; and tranſmit authentic copies of ſuch acts and proceeding, every ſix months, to the ſecretary of Congreſs: There ſhall alſo be appointed a court, to conſiſt of three judges, any two of whom to form a court, who ſhall have a common law juriſdiction, and reſide in the diſtrict, and have each therein a freehold eſtate in five hundred acres of land, while in the exerciſe of their offices; and their commiſſions ſhall continue in force during good behaviour.

The governor and judges, or a majority of them, ſhall adopt and publiſh in the diſtrict, ſuch laws of the original ſtates, criminal and civil, as may be neceſſary, and beſt ſuited to the circumſtances of the diſtrict, and report them to Congreſs, from time to time, which laws ſhall be in force in the diſtrict until the organization of the general aſſembly therein, unleſs diſapproved of by Congreſs; but afterwards the legiſlature ſhall have authority to alter them as they ſhall think fit.

The governor for the time being ſhall be commander in chief of the militia, appoint and commiſſion all officers in the ſame, below the rank of general officer; all general officers ſhall be appointed and commiſſioned by Congreſs.

Previous to the organization of the general aſſembly, the governor ſhall appoint ſuch magiſtrates and other civil officers, in each county or townſhip, as he ſhall find neceſſary for the preſervation of the peace and good order in the ſame; after the general aſſembly ſhall be organized, the powers and duties of magiſtrates and other civil officers ſhall be regulated and defined by the ſaid aſſembly; but all magiſtrates and other civil officers, not herein otherwiſe directed, ſhall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made ſhall have force in all parts of the diſtrict, and for the execution of proceſs, criminal and civil, the governor ſhall make proper diviſions thereof, and he ſhall proceed from time to time, as circumſtances may require, to lay out the parts of the diſtrict in which the Indian titles ſhall have been extinguiſhed, into counties and townſhips, ſubject, however, to ſuch alterations as may hereafter be made by the legiſlature.

So ſoon as there ſhall be five thouſand free male inhabitants of full age in the diſtrict, upon giving proof thereof to the governor, they ſhall receive authority, with time and place, to elect repreſentative from their counties or townſhips to repreſent them in the general aſſembly; provided that for every five hundred free male inhabitants there ſhall be one repreſentative, and ſo on progreſſively with the number of free male inhabitants, ſhall the right of repreſentation increaſe, untill the number of repreſentatives ſhall amount to twenty five, after which the number and proportion of repreſentatives ſhall be regulated by the legiſlature; provided that no perſon be eligible or qualified to act as a repreſentative, unleſs he ſhall have been a citizen of one of the United States three years, and be a reſident in the diſtrict, or unleſs he ſhall have reſided in the deſtrict three years, and in either caſe ſhall likewiſe hold in his own right, in fee ſimple, two hundered acres of land within the ſame; Provided alſo, that a freehold in fifty arres of land in the diſtrict, having been a citizen of one of the ſtates, and being reſident in the diſtrict, or the like freehold and two years reſident in the diſtrict, ſhall be neceſſary to qualify a man as an elector of a repreſentative.

The repreſentatives thus elected ſhall ſerve for the term of two years, and in caſe of the death of a repreſentative, or removal from office, the governor ſhall iſſue a writ to the county or townſhip for which he was a member, to elect another in his ſtead, to ſerve for the reſidue of the term

The general aſſembly or legiſlature, ſhall conſiſt of the governor, legiſlative council & a houſe of repreſentatives. The legiſlative council ſhall conſiſt of five members, to continue in office five years unleſs ſooner removed by Congreſs, any three of whom to be a quorum, and the members of the council ſhall be nominated and appointed in the following manner, to wit, as ſoon as repreſentatives ſhall be elected, the governor ſhall appoint a time and place for them to meet together, and when met, they ſhall nominate ten perſons, reſidents in the diſtrict, and each poſſeſſed of a freehold in five hundred acres of land, and return their names to Congreſs, five of whom Congreſs ſhall appoint and commiſſion to ſerve as aforeſaid; and whenever a vacancy ſhall happen in the council, by death or removal from office, the houſe of repreſentatives ſhall nominate two perſons, qualified as aforeſaid, for each vacancy, and return their names to Congreſs; one of whom Congreſs ſhall appoint and commiſſion for the reſidue of the term; and every five years, four months at leaſt before the expiration of the time of ſervice of the members of council, the ſaid houſe ſhall nominate ten perſon, qualified as aforeſaid, and return their

names to Congreſs, five of whom Congreſs ſhall appoint and commiſſion to ſerve as members of the council five years, unleſs ſooner removed. And the governor, legiſlative council and houſe of repreſentatives, ſhall have authority to make laws in all caſes for the good government of the diſtrict, not repugnant to the principles and articles in this ordinance eſtabliſhed and declared. And all bills having paſſed by a majority in the houſe, and by a majority in the council, ſhall be referred to the governor for his aſſent; but no bill or legiſlative act whatever ſhall be of any force without his aſſent. The governor ſhall have power to convene, prorogue and diſſolve the general aſſembly, when in his opinion it ſhall be expedient.

The governors, judges, legiſlative council, ſecretaries, and ſuch other officers as Congreſs ſhall appoint in the diſtrict, ſhall take an oath or affirmation of fidelity, and of office, the governor before the preſident of Congreſs, and all other officers before the governor. As ſoon as a legiſlature ſhall be formed in the diſtrict, the council and houſe, aſſembled in one room, ſhall have authority by joint ballot to elect a delegate to Congreſs, who ſhall have a ſeat in Congreſs, with a right of debating, but not of voting, during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the baſis whereon theſe republics, their laws and conſtitutions, are erected; to fix and eſtabliſh thoſe principles as the baſis of all laws, conſtitutions and governments, which for ever hereafter ſhall be formed in the ſaid territory; to provide alſo for the eſtabliſhments of ſtates, and permanent government therein, and for their admiſſion to ſhare in the fœderal councils on an equal footing with the original ſtates, at as early periods as may be conſiſtent with general intereſt;

It is hereby ordained and declared by the authority aforeſaid, That the following articles ſhall be conſidered as articles of compact between the original ſtates and the people and ſtates in ſaid territory, and forever remain unalterable, unleſs by common conſent, to wit:

Article 1. No perſon, demeaning himſelf in a peaceable and orderly manner, ſhall ever be moleſted on account of the mode of his worſhip or religious ſentiments in ſaid territory.

Article 2. The inhabitants of ſaid territory ſhall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate repreſentation of the people in the legiſlature, and of judicial proceedings according to the courſe of the common law; all perſons ſhall be bailable, unleſs for capital offences, where the proof ſhall be evident or the preſumption great: All fines ſhall be moderate, and no cruel nor unuſual puniſhments ſhall be inflicted; no man ſhall be deprived of his liberty or property but by the judgment of his peers, or of the law of the land; and ſhould the public exigences make it neceſſary for the common preſervation to take any perſon's property, or to demand his particular ſervices, full compenſation ſhall be made for the ſame; and in the juſt preſervation of rights and property it is underſtood and declared, that no law ought ever to be made, or have force in the ſaid territory, that ſhall in any manner whatever interfere with or affect private contracts or engagements, bona fide and without fraud previouſly formed.

Article 3. Religion, morality and knowledge being neceſſary to good government and the happineſs of mankind, ſchools and the means of education ſhall for ever be encouraged; the utmoſt good faith ſhall always be obſerved towards the Indians; their lands and property ſhall never be taken from them without their conſent; and in their property, rights and liberty, they never ſhall be invaded or diſturbed, unleſs in juſt and lawful wars authoriſed by Congreſs; but laws founded in juſtice and humanity ſhall from time to time be made for preventing wrongs being done to them, and for preſerving peace and friendſhip with them.

Article 4. The ſaid territory, and the ſtates which may be formed therein, ſhall for ever remain a part of this confederacy of the United States of America, ſubject to the articles of confederation, and to ſuch alterations therein as ſhall be conſtitutionally made; and to all the acts and ordinances of the United States in Congreſs aſſembled, conformable thereto. The inhabitants and ſettlers in ſaid territory ſhall be ſubject to pay a part of the fœderal debts contracted or to be cantracted, and a proportionable part of the expences of government, to be apportioned on them by Congreſs, according to the ſame common rule and meaſure by which apportionments thereof ſhall be made on the other ſtates; and the taxes for paying their proportion ſhall be laid and levied by the authority and direction of the legiſlatures of the diſtrict or diſtricts or new ſtates, as in the original ſtates, within the time agreed upon by the United States in Congreſs aſſembled. The legiſlatures of thoſe diſtricts or new ſtates ſhall never interfere with the primary diſpoſal of the ſoil by the United States in Congreſs aſſembled, nor with any regulations Congreſs may find neceſſary for ſecuring the title in ſuch ſoil to the bona fide purchaſers. No tax ſhall be impoſed on lands the property of the United States; and in no caſe ſhall non-reſident proprietors be taxed higher than reſidents. The navigable waters leading into the Miſſiſippi and St. Lawrence, and the carrying places between the ſame, ſhall be common highways, and forever free, as well to the inhabitants of the ſaid territory, as to the citizens of the United States, and thoſe of any other ſtates that may be admitted into the confederacy, without any tax, impoſt or duty therefor.

Article 5. There ſhall be formed in the ſaid territory, not leſs than three nor more than five ſtates; and the boundaries of the ſtates, as ſoon as Virginia ſhall alter her act of ceſſion and conſent to the ſame, ſhall become fixed and eſtabliſhed as follows to wit. The weſtern ſtate in the ſaid territory ſhall be bounded by the Miſſiſippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Poſt Vincent's due north to the territorial line between the United States and Canada, and by the ſaid territorial line to the Lake of the Woods and Miſſiſippi. The middle ſtate ſhall be bounded by the ſaid direct line, the Wabash, from Poſt Vincent's to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the ſaid territorial line, and by the ſaid territorial line. The eaſtern ſtate shall be bounded by the laſt mentioned direct line, the Ohio, Pennſylvania and the ſaid territorial line: Provided however, and it is further underſtood and declared, that the boundaries of theſe three ſtates shall be ſubject ſo far to be altered, that if Congreſs shall hereafter find it expedient, they shall have authority to form one or two ſtates in that part of the ſaid territory which lies north of an eaſt and weſt line drawn thro' the ſutherly bend or extreme of Lake Michigan; and whenever any of the ſaid ſtates shall have ſixty thouſand free inhabitants therein, ſuch ſtate shall be admitted by its delegates into the Congreſs of the United States, on an equal footing with the original ſtates in all reſpects whatever, and shall be at liberty to form a permanent conſtitution and ſtate government: Provided the conſtitution and government ſo to be formed shall be a republican, and in conformity to the principles contained in theſe article; and ſo far as it can be conſiſtent with the general intereſt of the confederacy, ſuch admiſſion shall be allowed at an earlier period, and when there may be a leſs number of free inhabitants in the ſtate than ſixty thouſand.

Article 6th. There shall be neither ſlavery nor involuntary ſervitude in the ſaid territary, otherwiſe than in the puniſhment of crimes whereof the party shall have been duly convicted: Provided always, that any perſon eſcaping into the ſame, from whom labour or ſervitude is lawfully claimed in any of the original ſtates, ſuch fugitive may be lawfully re-claimed and conveyed to the perſon claiming his or her labour or ſervice as aforeſaid.

Be it ordained by the author aforeſaid, That the reſolutions of the 23d of April, 1784, relative to the ſubject of this ordinance, be, and the ſame is hereby repealed and declared null and void.

Done by the United States in Congreſs aſſembled, the 13th day of July, in the year of our Lord 1787, and of their ſovereignty and independence the twelfth.

LEXINGTON Nov. 3.

Extract of a letter from a Gentleman in Philadelphia, to his friend in this town, dated September, 1787.

On the 14th Inſt. arrived here his excellency the Earl of Surry, from the court of Great Britain, as envoy extraordinary to the United States; his lordships errand to America is to negociate a commercial treaty with the United States, the foundation of this treaty is, that all British ports are to be opened to American veſſels duty free, and a propoſal to build two hundred ships every year in the parts of Boſton, New York, Philadelphia, and Charles Town.

THE TRUSTEES OF LEXINGTON will meet on Saturday the 10th. of November, at 3 o'clock, at the Court houſe; all who have any buſineſs with them are deſired to attend, and thoſe who want Deeds for Lots will pleaſe to make previous application to the ſubſcriber that they may be ready at that time. ROBERT PARKER clk.

A GENEROUS

PRICE WILL BE GIVEN FOR TWO OR three hundred acres of land within three miles of lexington. Enquire of the printer hereof tf

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FOR SALE

On reaſonable terms, either altogether or in two parts, five hundred acres of land within three or four miles of Lexington; part of an old military claim. James M'Dowell who lives on part of ſaid old claim will ſhew the land if applied to, the terms may be known, by applying to me in Mercer county.

3w. SAMUEL M'DOWELL.

LOTS FOR SALE

On repeated application from the public, I have at length condeſcended to diſpoſe of a part of my land at the royal ſpring, near north Elk-horn, about two miles above Major Johnſtons mill, for the purpoſe of erecting a Town, which will conſiſt of half acre in lots and out lots proportioned at five acres each, the lots are already ſurveyed: any perſon inclining to purchaſe, are deſired to attend at my houſe on friday the fixteenth of November, when the terms of ſale will be known and an equal lottery for choice be made. ELIJAH CRAIG.

A LARGE QUANTITY OF

S A L T

WILL be ſold in Danville, in ſmall parcels on the eighth day of November, to the higheſt bidder, for ready money only, the ſale will begin at eleven o'clock, when due attendance will be given by

RICHARD WOOLFOLK.

STrayed from the Rev. Mr. Rankins, in April laſt, a black mare, middle ſized, well built, a natural trotter, and branded on the near buttock thus 9 any perſon who will convey ſaid mare to me in Mercer County, or ſecure her ſo that I can get her ſhall receive a reward of three dollars, paid by

(4w) DAVID RICE.

ANY perſon or perſons that are Indebted to William Scott Schoolmaſter, by note, or book accompts, are deſired to make immediate payment. If not they may expect what the law directs.

(3w) WILLIAM SCOTT, Schoolmaſter.

TEN DOLLARS

REWARD

STRAYED from the ſubſcriber laſt ſpring, a large bay mare near fifteen hands and a half high, ten or eleven years old, a large ſtar and ſnip in her face and branded on the near buttock HT had on a ſmall bell when ſhe went away. Alſo a year old bay ſtudd colt with a ſtar and ſnip in his face, and one of his hind feet white, neither dockt nor branded.

Fayette, Oct. 10 1787. HORATIO TURPIN.

Fayette, September 5, 1787.

ALL perſons who have platts and certificates in the ſurveyors office of Fayette, are deſired to apply perſonally, or by their agents for them. All thoſe who fail to apply as above, may expect I ſhall take the moſt ſpeedy methods of recovering my fees on ſuch ſurveys. Thoſe who have open accounts are deſired to ſettle, and diſcharge them or cloſe them by giving ſome ſpecialty for payment to their Humble ſervant.

THOMAS MARSHALL

late ſurveyor of Fayette.

LEXINGTON: Printed and Sold by JOHN and FIELDING BRADFORD, at their PRINTING-OFFICE the corner of Main and Croſs Streets, where ſubſcriptions (at 18ſ. per Ann.) Advertiſements, &c. for this paper, are thankfully received, and PRINTING in its different branches done with Care and Expedition--Advrtiſemets of no more length than breadth, are inſerted for 3ſ. the firſt time and 2ſ. each time after and longer ones in proportion.